APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,777	04/24/2001	Luosheng Peng	10480-013-999	6882

			EXAMINER
7590	01/15/2004		TO, BAOQUOC N

Roxana H Yang
Law Office of Roxana H Yang
Post Office Box 3986
Los Altos, CA 94024

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** ⬤	**Applicant(s)**
	09/841,777	PENG, LUOSHENG
	Examiner	**Art Unit**
	Baoquoc N To	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-30 are pending in this application.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 and 19 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Miller et al. (US. Patent No. 6,535,911 B1).

Regarding on claims 1and 19, Miller teaches a method for intelligently caching

applications and data on a gateway, comprising the step of:

calculating a cache benefit index for a set of files, said cache benefit index

indicating a total benefit for caching said set of files (col. 6, lines 35-41);

Determining (determine) whether to cache said set of files on a local system

based on said cache benefit index (col. 6, lines 42-45);

Caching said set of files on said local file system (downloading) (col. 6, lines 46-

48); and

Miller does not explicitly teach updating a set of tables in a gateway database based on said caching. However, Miller teaches "server/server extension 210 can downloading a complete file, or the remaining portion of a file to viewing computer 155" (col. 6, lines 56-46). This teaches the server updating the record in the database as the file being download to the client computer. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the server as taught by Miller to update the record when the loading a file to allow the server to log the newest version of changes in the file system.

Regarding on claims 2 and 20, Miller teaches determining includes the steps of:

Checking available free space in said local system (col. 6, lines 30-48); and

Allowing caching of said set of files into said local file system if said local file system has enough available free space for storing said set of files (col. 6, lines 30-48).

Regarding on claims 3 and 21, Miller teaches determining includes the step of:

Comparing said cache benefit index to a previously calculated cache benefit index for said set of files (col. 6, lines 30-48); and

Allowing caching of said set of files if said cache benefit index is higher than said previously calculated cache benefit index (col. 6, lines 30-48).

Regarding on claims 4 and 22, Miller teaches determining includes the steps of:

Comparing said cache benefit index to other cache benefit indices of fillies already cached on said local file system (col. 6, lines 30-48); and

Allowing caching of said set of files if said cache benefit index is higher than said other cache benefit indices (col. 6, lines 30-48).

Regarding on claims 5 and 23, Miller teaches recalculating (calculating) a new cache benefit index for said set of files upon receiving a request to download or update said set of files (col. 6, lines 30-46); and

Updating said set of tables in said gateway database on said new cache benefit index (col. 6, lines 46-67).

Regarding on claims 6 and 24, Miller teaches receiving a download request for said set of files (request) (col. 6, lines 20-30);

Accessing said set of files in said local file system if said set of files is cached and up-to-date (col. 6, lines 20-30);

Creating a download response to said download request, said download response including said set of files (col. 6, lines 20-30); and

Sending said download response (request) (col. 6, lines 20-30).

Regarding on claims 7 and 25, Miller teaches downloading said set of files from a server if it is not cached (col. 6, lines 31-46).

Regarding on claims 8 and 26, Miller teaches downloading includes steps of:

Sending a request to said server (col. 6, lines 20-30);

Receiving a response from said server, said response including said set of files (col. 6, lines 20-30);

Parsing said response for a broadcast message (request) (col. 6, lines 20-30);

Accessing and updating said gateway database if said response includes said broadcast message (col. 6, lines 20-30); and

Sending a broadcast response to said server (col. 6 lines 20-30).

Regarding on claims 9 and 27, Miller teaches updating said of files from a server if it is not-to-date (col. 6, lines 31-46).

Regarding on claims 10 and 28, Miller teaches receiving an update request for said set of files (col. 6, lines 20-30);

Accessing said local file system to obtain at least one difference file and a broadcast message if said set of files is cached and up-to-date (col. 6, lines 20-30).

Creating an update response to said update request, said update response including said at least one difference file and said broadcast message (col. 6, lines 20-30); and

Sending said update response (col. 6, lines 20-30).

Regarding on claims 11 and 29, Miller teaches receiving an update request for said set of files (col. 6, lines 46-67);

Downloading said set of files from a server if said set of files is not cached (col. 6, lines 30-46);

Creating an update (updating) response to said update request, said update response including said download set of files (col. 6, lines 46-67); and

Sending said update response (col. 6, lines 20-30).

Regarding on claims 12 and 30, Miller teaches receiving an update request for said set of files (col. 6, lines 30-46);

Receiving at least one difference file from a server if said set of files is cached but is not up-to-date (col. 6, lines 30-46);

Creating an update response to said update request, said update response including said at least one different file (col. 6, lines 30-46); and

Sending said update response (col. 6, lines 30-46).

Regarding on claims 13 and 31, Miller teaches receiving an update request (request) for said set of files (col. 6, lines 20-30);

Downloading a current version of said set of files from a server if said set of files is cached but is not up-to-date (col. 6, lines 46-48);

Generating at least one difference file based on said current version (col. 6, lines 30-46);

Creating an update response to said update request, said update response including said at least one difference table (col. 6, lines 30-46); and

Sending said update response (col. 6, lines 30-46).

Regarding on claims 14 and 42, Miller teaches receiving a status check request for said set of files (col. 6, lines 30-46);

Accessing said local file system to load any broadcast information if said set of files is up-to-date (col. 6, lines 30-46).

Creating a status check response, said status check response including said broadcast information and a status of said set of files (col. 6, lines 30-46); and

Sending said status check response (col. 6, lines 30-46).

Regarding on claims 15 and 43, Miller teaches receiving a status check request for said set of files (col. 6, lines 30-46);

Sending a request to a server if said set of files is cached and is not up-to-date (col. 6, lines 30-46);

Receiving a server response from said server, said server response including a current version and status of said ser of files (col. 6, lines 30-46);

Updating said gateway database on said current version and status (col. 6, lines 30-46);

Creating a status check response, said status check response including said status of said set of files (col. 6, lines 30-46); and

Sending said status check response (col. 6, lines 30-46).

Regarding on claims 16 and 34, Miller teaches generating at least one difference file based on said current version (col. 6, lines 30-46);

Updating said set of files based on said difference file (col. 6, lines 30-46); and

Sending said difference file is said status check response (col. 6, lines 30-46).

Regarding on claims 17 and 35, Miller teaches parsing said server response for any broadcast message (col. 6, lines 20-30);

Accessing and updating (updating) said gateway database if said server response includes a broadcast message (col. 6, lines 30-46); and

Sending a broadcast response to said server (col. 6, lines 30-46).

Regarding on claims 18 and 36, Miller teaches receiving a status check request for said set of files (col. 5, lines 20-30);

Downloading a current version of said set of files from a server (col. 6, lines 3-46);

Comparing said current version of said set of files to said set of files (6, lines 30-

46);

Generating said status on said comparing (col. 6, lines 30-46);

Creating a status check response (determine whether or not), said status check

response including said status of said set of files (col. 6, lines 30-46); and

Sending said status check response (col. 6, lines 30-46).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-

1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached

on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is

assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

January 8, 2004

JEAN M. CORRIELUS
PRIMARY EXAMINER